

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CHEVRON CORPORATION,

Plaintiff,

-against-

11 Civ. 0691 (LAK)

STEVEN DONZIGER, et al.,

Defendants.
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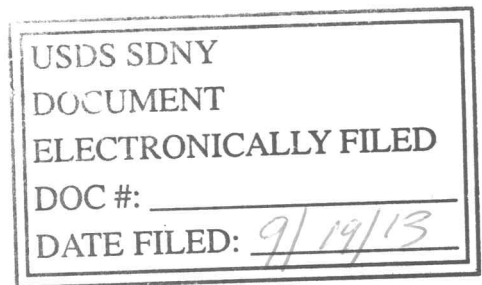
ORDER

LEWIS A. KAPLAN, *District Judge*.

Defendants Steven Donziger, Donziger & Associates, PLLC, and The Law Offices of Steven R. Donziger (the “Donziger Defendants”) recently moved for an order requiring Chevron immediately “to state with finality the nature of its claims” – i.e., whether it will drop its remaining requests for damages and thus at least arguably eliminate any right to trial by jury – and to stay not only the October 15, 2013 trial of this action, but all other proceedings as well, until it does so. The Court denied the motion on September 17, 2013. DI 1436.

The Donziger Defendants now move for reconsideration of that ruling. They state that they do so “to respond to the Court’s unwarranted, unexplained, wholesale adoption of Chevron’s offensive position that Chevron’s right to deprive Defendants of their constitutional right to a jury is so absolute that it raises ‘no “issue”’ for Defendants to legitimately oppose.” DI 1442.

The premise upon which this motion is based is obviously incorrect. In the decision denying the Donziger Defendants’ motion, the Court stated:




“The Donziger Defendants state that they will oppose a non-jury trial in the event Chevron withdraws prayer for damages against them. DI 1415, at 3 n.3. They have not, however, shared the basis on which they contemplate doing so. It appears doubtful that any such opposition could succeed given the authorities Chevron has cited in response to the Donziger Defendants’ statement. DI 1433, at 4 n.4. Nevertheless, the Court does not now decide the issue.” DI 1436 at 3-4 n.9.

Thus, contrary to the Donziger Defendants’ premise, the Court (1) recognized the fact that the Donziger Defendants intend to oppose a non-jury trial in the event Chevron withdraws its claim for damages against them, questionable though their prospects may be in that event, but (2) in recognition of the fact that Chevron has not done so and the Donziger Defendants had not been fully heard on the question, declined to decide the issue, which had not yet been presented.¹

This motion is denied in all respects.

SO ORDERED.

Dated: September 19, 2013



Lewis A. Kaplan
United States District Judge

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The Donziger Defendants are incorrect also in asserting that they are obliged to submit proposed jury instructions by September 23, 2013. DI 1436, at 4. In fact, the Court previously granted the Donziger Defendants’ motion to extend that deadline until October 23, 2013 (DI 1384, at 5-6), almost a month after Chevron has said that it will decide whether to drop its requests for damages.